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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/038,316 | 01/02/2002 | Hiroshi Hara | 50R4871 | 7243 |
| 36738 | 7590 | 12/26/2007 | | |
| ROGITZ & ASSOCIATES 750 B STREET SUITE 3120 SAN DIEGO, CA 92101 | | | EXAMINER NEWLIN, TIMOTHY R | |
| | | | ART UNIT 2623 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|-----------------------------|--|
| Office Action Summary | Application No. 10/038,316 | Applicant(s) HARA ET AL. | |
| | Examiner Timothy R. Newlin | Art Unit 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/9/2007 have been fully considered but they are not persuasive.

Applicant first asserts that neither Suzuki nor Yap teaches decoding low- and high-definition audio in the same device. The Office notes that whether one reference contains all limitations is not relevant to a rejection for obviousness under §103. As stated in the first action, Suzuki includes decoding an SD audio signal **[audio decoder 30, Fig. 4]**, and Yap teaches decoding an HD signal **[AC-3 decoder 356; para. 60 discusses HD capability]**. Therefore the combination of the references discloses all limitations of claim 1 and is sufficient to support a §103 rejection, provided that the combination would have been obvious to one of ordinary skill in the art. In this case, the combination is obvious because it merely takes the functions of the prior art and integrates them into one device. In re Larson, 340 F.2d 965. Both types of decoding are enabled by the prior art, and the claim contains no additional features or limitations that provide insight beyond the understandings of the prior art. That the resulting device can decode both SD and HD audio is both predictable and expected to one familiar with audio processing.

The motivation to combine is straightforward as well. In many cases, a single receiver may receive signals of varying quality depending on channel or service provider. The desire is for such a receiver to decode an incoming signal (which

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comprises both video and audio portions) regardless of its format and preferably at the highest possible resolution. The term "video" used in the first office action is used in the general sense of a composite signal containing both video and audio. Based on the disclosure of all claimed limitations and the obvious combination as discussed above, the rejection of claims 1-22 stands.

The Office notes the following prior art, which is considered pertinent to applicant's disclosure and is made of record but not relied upon: Boyce et al., US 6,249,547; Kanatsugu et al. US 5,151,779; Dunn et al., US 6,163,683.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, U.S. Patent No. 5,808,722 in view of Yap et al., U.S. Pub. No. 2001/0052130.

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3. Regarding claim 1, Suzuki discloses a method for providing audio in an audio/video network, comprising:

providing an audio signal and a video signal to a first device in the audio/video network **[A/V data 1 is provided to separator 2 and audio decoder 30, Fig. 4];**

decoding standard definition audio in the first device **[audio decoder 30, Fig. 4];**
and

processing said video signal in a second device **[video decoder 50, Fig. 4].**

4. Suzuki does not teach the use of high-definition audio. Yap teaches the use of a high definition decoder **[AC-3 audio decoder 356, para. 60]**. Yap also describes a decoding hi-definition audio and video data separately **[para 47]**. Thus, it would have been obvious to one of ordinary skill in the art to use the synchronization method claimed by Suzuki in connection with a high-definition signal, because it allows users to upgrade to the highest quality video available.

5. Regarding claim 2, Suzuki discloses a method for providing audio in an audio/video network as recited in claim 1, wherein providing an audio signal and a video signal to a first device in the audio/video network comprises:

processing said audio signal in said first device **[separator 2 processes the audio data by separating the audio data 21 and the time stamp 22, Fig. 1; col. 9, 41-43];** and

delivering said video signal from said first device to said second device **[video data 41 is sent to video multiplexer 43, Fig. 1;.col. 26-31].**

6. Regarding claim 3, Suzuki discloses a method wherein processing said audio signal in said first device comprises decoding said audio signal in said first device **[audio decoder 30 processes and decodes audio signal 28, Fig. 4].**

7. Regarding claims 4 and 12, Suzuki discloses a method and network wherein said method further comprises storing a decoded audio signal in a first buffer in said first device **[audio data is stored in buffer memory 25, Fig. 4].**

8. Regarding claim 5, Suzuki discloses a method wherein said first device selected from the group consisting of a set top box and an audio/video receiver **[col. 9, 23-26].**

9. Regarding claims 6 and 16, neither reference specifically discloses a system wherein at least one means for connecting said first device to said second device is selected from the group consisting of a USB protocol, an IEEE 1394 protocol, a RS-232C protocol, a wireless format, DVI, DMI, Cat. 5, telephone line, power line, and an IrDA protocol. However, official notice is taken that communication protocols such as IEEE 1394, and/or basic physical connections such as USB or telephone line are very well known and commonly practiced in the art. It would have been obvious to connect the devices disclosed in Suzuki and Yap in the claimed manner, because the devices must be connected to function as a whole and it is convenient and predictable to use a standard communication protocol to do so.

10. Regarding claims 8 and 14, Suzuki discloses a method wherein said method further comprises storing a decoded video signal in a second buffer in said second device **[video buffer memory 45, Fig. 4]**.

11. Regarding claims 9 and 15, Suzuki discloses a method wherein said method further comprises synchronizing an output of a first buffer with an output of said second buffer **[audio and video output is synchronized by controller 4, Fig. 1; col. 10, 42-54]**.

12. Regarding claim 10, Suzuki discloses an audio/video network comprising:

a first device configured to decode an audio signal in standard definition **[audio decoder 30, Fig. 1]**; and

a second device configured to decode a video signal, said first device in electrical communication with said second device to receive decoded audio and encoded video therefrom **[video decoder 50, Fig. 1]**.

13. Suzuki does not teach the use of high-definition audio. Yap teaches the use of a high definition decoder **[AC-3 audio decoder, para. 60]**. Yap also describes a decoding hi-definition audio and video data separately **[para 47]**. Thus, it would have been obvious to one of ordinary skill in the art to use the synchronization method claimed by Suzuki in connection with a high-definition signal, because it allows users to upgrade to the highest quality video available.

14. Regarding claim 11, Suzuki discloses an audio/video network wherein said first device includes a first decoder configured to decode said audio signal [**audio decoder 30, Fig. 1**].

15. Regarding claim 13, Suzuki discloses a network wherein said second device includes a second deconder configured to decode said video signal [**video decoder 50, Fig. 4**].

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

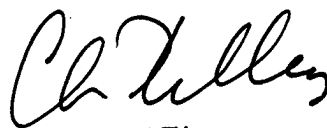
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Newlin whose telephone number is (571) 270-3015. The examiner can normally be reached on M-F 9-6 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TRN


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